

**Application Rates for 26 Specific Offense Characteristics and Underlying Guidelines (FYs 2000–2024)
and Historical Context**

§2A5.1 (Aircraft Piracy or Attempted Aircraft Piracy)	Guideline Use	SOC Use
(b)(1) If death resulted, increase by 5 levels.	17	1



The Commission included this enhancement in the original Guidelines Manual.

§2B1.5 (Theft of, Damage to, or Destruction of, Cultural Heritage Resources or Paleontological Resources; Unlawful Sale, Purchase, Exchange, Transportation, or Receipt of Cultural Heritage Resources or Paleontological Resources)	Guideline Use	SOC Use
(b)(6) If a dangerous weapon was brandished or its use was threatened, increase by 2 levels. If the resulting offense level is less than level 14, increase to level 14.	304*	4*



The Commission added this enhancement in 2002 by Amendment 638, which created §2B1.5 as a new guideline and included this enhancement to reflect “the increased culpability of offenders who pose a threat to law enforcement officers and innocent passersby.”

§2B2.3 (Trespass)	Guideline Use	SOC Use
(b)(3) If (A) the offense involved invasion of a protected computer; and (B) the loss resulting from the invasion (i) exceeded \$2,500 but did not exceed \$6,500, increase by 1 level; or (ii) exceeded \$6,500, increase by the number of levels from the table in §2B1.1 (Theft, Property Destruction, and Fraud) corresponding to that amount.	260	2



The Commission added this enhancement in 1997 as part of “a number of changes in the theft, property destruction, trespass, extortion, and fraud guidelines to more effectively punish computer-related offenses.” See Amendment 551. It subsequently was revised to its current form.

§2B6.1 (Altering or Removing Motor Vehicle Identification Numbers, or Trafficking in Motor Vehicles or Parts with Altered or Obliterated Identification Numbers)	Guideline Use	SOC Use
(b)(3) If the offense involved an organized scheme to steal vehicles or vehicle parts, or to receive stolen vehicles or vehicle parts, and the offense level as determined above is less than level 14, increase to level 14.	456	32



The Commission included this enhancement in the original Guidelines Manual. It subsequently was revised to its current form.

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§2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy)	Guideline Use	SOC Use
(b)(10) If the defendant was convicted under 21 U.S.C. § 841(g)(1)(A), increase by 2 levels.	526,880	0*

 The Commission added this enhancement in 2007 to address a “new offense in 21 U.S.C. § 841(g) (Internet Sales of Date Rape Drugs) created by the Adam Walsh Act.” The enhancement is “tailored to focus on the more serious conduct covered by the new statute, specifically conviction under 21 U.S.C. § 841(g)(1)(A), which covers individuals who know or have reasonable cause to believe the drug would be used in the commission of criminal sexual conduct.” See Amendment 705.

§2D1.11 (Unlawfully Distributing, Importing, Exporting or Possessing a Listed Chemical; Attempt or Conspiracy)	Guideline Use	SOC Use
(b)(2) If the defendant is convicted of violating 21 U.S.C. § 841(c)(2) or (f)(1), or § 960(d)(2), (d)(3), or (d)(4), decrease by 3 levels, unless the defendant knew or believed that the listed chemical was to be used to manufacture a controlled substance unlawfully.	2,598	90

 The Commission added this enhancement in 1991 by Amendment 371, which created §2D1.11 and other guidelines “to address violations involving listed chemicals, flasks, and certain machines that are used in the manufacture of controlled substances.” It subsequently was revised to its current form.

(b)(5) If the defendant is convicted under 21 U.S.C. § 865, increase by 2 levels.	2,598	0*
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 The Commission added this enhancement in 2007 to address “section 731 of the PATRIOT Reauthorization Act, which created a new offense at 21 U.S.C. § 865 [that] provides a mandatory consecutive sentence of 15 years’ imprisonment for smuggling of methamphetamine or its precursor chemicals into the United States by a person enrolled in, or acting on behalf of someone or some entity enrolled in, any dedicated commuter lane, alternative or accelerated inspection system, or other facilitated entry program administered by the federal government for use in entering the United States.” See Amendment 705.

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§2D1.12 (Unlawful Possession, Manufacture, Distribution, Transportation, Exportation, or Importation of Prohibited Flask, Equipment, Chemical, Product, or Material; Attempt or Conspiracy)	Guideline Use	SOC Use
(b)(4) If the offense involved stealing anhydrous ammonia or transporting stolen anhydrous ammonia, increase by 6 levels.	419	31*

 The Commission added this enhancement in 2004 by Amendment 667, which explained that “[a] widely used source of nitrogen fertilizer for crops, anhydrous ammonia also is used in the manufacture of methamphetamine. Anhydrous ammonia must be stored and handled under high pressure, which requires specially designed and well-maintained equipment. The improper handling and storage of anhydrous ammonia can result in permanent injury (such as cell destruction and severe chemical burns) and explosions. Methamphetamine manufacturers often obtain anhydrous ammonia by siphoning large-volume tanks at fertilizer plants and farms, and rarely have the knowledge or equipment required to properly handle it. This enhancement accounts for the inherent dangers created by such conduct, as well as the likely intended unlawful use.”

§2D1.14 (Narco-Terrorism)	Guideline Use	SOC Use
(b)(1) If §3A1.4 (Terrorism) does not apply, increase by 6 levels.	4*	3*

 The Commission added this guideline and enhancement in 2007 to address “section 122 of the PATRIOT Reauthorization Act, which created a new offense at 21 U.S.C. § 960a covering narco-terrorism. . . . The amendment creates a new guideline at §2D1.14 (Narco-Terrorism) because an offense under 21 U.S.C. § 960a differs from basic drug offenses because it involves trafficking that benefits terrorist activity. . . . The guideline also contains a specific offense characteristic that provides a six-level increase if the adjustment in §3A1.4 (Terrorism) does not apply. This six-level increase fully effectuates the statute’s doubling of the minimum punishment for the underlying drug offense, while avoiding potential double counting with the 12-level adjustment at §3A1.4.” See Amendment 700.

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§2G3.2 (Obscene Telephone Communications for a Commercial Purpose; Broadcasting Obscene Material)	Guideline Use	SOC Use
(b)(1) If a person who received the telephonic communication was less than eighteen years of age, or if a broadcast was made between six o'clock in the morning and eleven o'clock at night, increase by 4 levels.	2	2

 The Commission added this enhancement in 1989 as part of a replacement 2G3.2 “covering felony offenses, including two offenses created by Sections 7523 and 7524 of the Anti-Drug Abuse Act of 1988.” See Amendment 164. Section 7523 created 18 U.S.C. § 1468 (Distributing obscene material by cable or subscription television), while section 7524 amended 47 U.S.C. § 223 (Obscene or harassing telephone calls in the District of Columbia or in interstate or foreign communications). See Pub. L. No. 100-690, §§ 7523-24, 102 Stat. 4181.

(b)(2) If 6 plus the offense level from the table in §2B1.1 (Theft, Property Destruction, and Fraud) corresponding to the volume of commerce attributable to the defendant is greater than the offense level determined above, increase to that offense level.	2	0
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 The Commission added this enhancement in 1989 as part of a replacement 2G3.2 “covering felony offenses, including two offenses created by Sections 7523 and 7524 of the Anti-Drug Abuse Act of 1988.” See Amendment 164. Section 7523 created 18 U.S.C. § 1468 (Distributing obscene material by cable or subscription television), while section 7524 amended 47 U.S.C. § 223 (Obscene or harassing telephone calls in the District of Columbia or in interstate or foreign communications). See Pub. L. No. 100-690, §§ 7523-24, 102 Stat. 4181. It subsequently was revised to its current form.

§2H3.1 (Interception of Communications; Eavesdropping; Disclosure of Certain Private or Protected Information)	Guideline Use	SOC Use
(b)(2) (Apply the greater) If— <ul style="list-style-type: none"> (A) the defendant is convicted under 18 U.S.C. § 119, increase by 8 levels; or (B) the defendant is convicted under 18 U.S.C. § 119, and the offense involved the use of a computer or an interactive computer service to make restricted personal information about a covered person publicly available, increase by 10 levels. 	259	4*

 The Commission added this enhancement in 2008 to address “section 202 of the [Court Security Improvement] Act, which created a new offense at 18 U.S.C. § 119 prohibiting the public disclosure of restricted personal information about a federal officer or employee, witness, juror, or immediate family member of such a person, with the intent to threaten or facilitate a crime of violence against such a person.” See Amendment 718.

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§2J1.3 (Perjury or Subornation of Perjury; Bribery of Witness)	Guideline Use	SOC Use
(b)(1) If the offense involved causing or threatening to cause physical injury to a person, or property damage, in order to suborn perjury, increase by 8 levels.	1,428	4

 The Commission included this enhancement in the original Guidelines Manual. *It subsequently was revised to its current form.*

§2J1.6 (Failure to Appear by Defendant)	Guideline Use	SOC Use
(b)(1) If the base offense level is determined under subsection (a)(1), and the defendant—	1,552	14
(A) voluntarily surrendered within 96 hours of the time he was originally scheduled to report, decrease by 5 levels; or	(707 with base	
(B) was ordered to report to a community corrections center, community treatment center, "halfway house," or similar facility, and subdivision (A) above does not apply, decrease by 2 levels.	offense level under (a)(1))	

 The Commission added this enhancement in 1990 to provide "greater differentiation in the guideline offense levels for the various types of conduct covered by this guideline." See Amendment 329.

§2J1.9 (Payment to Witness)	Guideline Use	SOC Use
(b)(1) If the payment was made or offered for refusing to testify or for the witness absenting himself to avoid testifying, increase by 4 levels.	11	7

 The Commission included this enhancement in the original Guidelines Manual. *It subsequently was revised to its current form.*

§2K1.5 (Possessing Dangerous Weapons or Materials While Boarding or Aboard an Aircraft)	Guideline Use	SOC Use
(b)(3) If the defendant's possession of the weapon or material would have been lawful but for 49 U.S.C. § 46505 and he acted with mere negligence, decrease by 3 levels.	147	37

 The Commission included this enhancement in the original Guidelines Manual. *It subsequently was revised to its current form.*

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§2K2.6 (Possessing, Purchasing, or Owning Body Armor by Violent Felons)	Guideline Use	SOC Use
(b)(1) If the defendant used the body armor in connection with another felony offense, increase by 4 levels.	127*	7*

 The Commission added this enhancement in 2004 by Amendment 670, which created §2K2.6 to address “the new offense at 18 U.S.C. § 931, which was created by section 11009 of the 21st Century Department of Justice Appropriations Authorization Act, Pub. L. 107-273. Section 931 of title 18, United States Code, prohibits the purchase, ownership, or possession of body armor by individuals who have been convicted of either a federal or state felony that is a crime of violence. . . . The new guideline provides a four-level increase at §2K2.6(b)(1) ‘[i]f the defendant used the body armor in connection with another felony offense’ because violations in which the body armor was used in connection with another felony offense are more serious than those involving only possession, purchase, or ownership of body armor.”

§2M4.1 (Failure to Register and Evasion of Military Service)	Guideline Use	SOC Use
(b)(1) If the offense occurred at a time when persons were being inducted for compulsory military service, increase by 6 levels.	0	0

 The Commission included this enhancement in the original Guidelines Manual. *It subsequently was revised to its current form.*

§2P1.1 (Escape, Instigating or Assisting Escape)	Guideline Use	SOC Use
(b)(4) If the defendant was a law enforcement or correctional officer or employee, or an employee of the Department of Justice, at the time of the offense, increase by 2 levels.	6,522	17

 The Commission included this enhancement in the original Guidelines Manual. *It subsequently was revised to its current form.*

§2Q1.2 (Mishandling of Hazardous or Toxic Substances or Pesticides; Recordkeeping, Tampering, and Falsification; Unlawfully Transporting Hazardous Materials in Commerce)	Guideline Use	SOC Use
(b)(5) If a recordkeeping offense reflected an effort to conceal a substantive environmental offense, use the offense level for the substantive offense.	1,060	1

 The Commission included this enhancement in the original Guidelines Manual.

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§2Q1.3 (Mishandling of Other Environmental Pollutants; Recordkeeping, Tampering, and Falsification)	Guideline Use	SOC Use
(b)(2) If the offense resulted in a substantial likelihood of death or serious bodily injury, increase by 11 levels.	732	3

 The Commission included this enhancement in the original Guidelines Manual.

(b)(5) If a recordkeeping offense reflected an effort to conceal a substantive environmental offense, use the offense level for the substantive offense.	732	1
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 The Commission included this enhancement in the original Guidelines Manual.

§2Q1.4 (Tampering or Attempted Tampering with a Public Water System; Threatening to Tamper with a Public Water System)	Guideline Use	SOC Use
(b)(1) If (A) any victim sustained permanent or life-threatening bodily injury, increase by 4 levels; (B) any victim sustained serious bodily injury, increase by 2 levels; or (C) the degree of injury is between that specified in subdivisions (A) and (B), increase by 3 levels.	2	0*

 The Commission added this enhancement in 2003 as part of a consolidation of §2Q1.4 and §2Q1.5 that “reflects the similar manner in which threats to carry out a nuclear, biological, or chemical weapons offense are treated under §2M6.1....A graduated enhancement for serious or life-threatening bodily injury, modeled after the nuclear, biological, and chemical guideline and the consumer product tampering guideline, is added.” See Amendment 665.

(b)(2) If the offense resulted in (A) a substantial disruption of public, governmental, or business functions or services; or (B) a substantial expenditure of funds to clean up, decontaminate, or otherwise respond to the offense, increase by 4 levels.	2	0
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 The Commission included this enhancement in the original Guidelines Manual. It subsequently was revised to its current form.

(b)(3) If the offense resulted in an ongoing, continuous, or repetitive release of a contaminant into a public water system or lasted for a substantial period of time, increase by 2 levels.	2	0
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The Commission included this enhancement in the original Guidelines Manual.

§2T1.9 (Conspiracy to Impede, Impair, Obstruct, or Defeat Tax)	Guideline Use	SOC Use
(b)(1) If the offense involved the planned or threatened use of violence to impede, impair, obstruct, or defeat the ascertainment, computation, assessment, or collection of revenue, increase by 4 levels.	334	6



The Commission included this enhancement in the original Guidelines Manual. It subsequently was revised to its current form.